

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVINDER SINGH GILL,	:	Case No. 10-CV-259
	:	
Plaintiff,	:	JUDGE KATHLEEN M. O'MALLEY
	:	
v.	:	<u>ORDER</u>
	:	
ERIC HOLDER, et al.,	:	
	:	
Defendants.	:	

Before the Court is Respondents' *Motion to Dismiss on Mootness Grounds* (Doc 6.) For the reasons articulated below, Respondents' motion is **GRANTED** and this case is **DISMISSED** as **MOOT**.

On February 4, 2010, Petitioner Davinder Singh Gill ("Gill"), then a detainee of the United States Immigration and Customs Enforcement ("ICE"), filed a Petition for Writ of Habeas Corpus seeking either alternate detention or his release from ICE custody. (Doc. 1.)

The Court has been advised by Respondents that Gill was released from ICE detention on April 22, 2010. (Doc. 6 at 1.) Because the only relief Gill seeks is that he be released from ICE detention or be detained elsewhere, this action is now moot and must be dismissed for lack of subject matter jurisdiction. *ACLU of Ohio v. Taft*, 385 F.3d 641, 646 (6th Cir. 2004); Fed. R. Civ. P. 12(b)(1).

Consequently, for the foregoing reasons, Respondents' Motion to Dismiss is **GRANTED**, and this case is **DISMISSED** as **MOOT**.

IT IS SO ORDERED.

s/ Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY*

DATED: January 21, 2011

**United States Circuit Judge for the United States Court of Appeals for the Federal Circuit, sitting by designation.*